

VICTIM COMPENSATION FUND FREQUENTLY ASKED QUESTIONS

(Updated July 23, 2002)

Section 7 – Hearing/Appeals

7.1 How long will hearings last?

There is no specific time limit. However, the Special Master does not expect that hearings will last more than a few hours.

7.2 Will I be able to have a hearing?

Yes. Any claimant who wants to can have a hearing. It is the claimant's option. You can either follow Track A and get your presumed award and then go to a hearing if you choose, or you can follow Track B and go directly to a hearing.

7.3 Who will conduct the hearings?

The hearings will be conducted by the Special Master or designees of the Special Master who will be trained expressly for this procedure. Designees will be qualified, trained individuals.

7.4 Can I present evidence or witnesses at the hearing?

Yes. These hearings will be conducted in a non-adversarial manner. The objective of the hearing is to permit the claimant to present information or evidence that the claimant believes is necessary to a full understanding of the claim. Claimants will be permitted, but not required, to present witnesses, including expert witnesses. The hearing officer will be permitted to examine the credentials of experts.

7.5 What is the procedure for a hearing (either before or after they receive a presumptive award)?

Hearings shall be before the Special Master or his designee. The objective of hearings shall be to permit the claimant to present information or evidence that the claimant believes is necessary to a full understanding of the claim. The claimant may request that the Special Master or his designee review any evidence relevant to the determination of the award, including without limitation: factors and variables used in calculating economic loss; the identity of the Victim's spouse and dependents; the financial needs of the claimant; facts affecting non-economic loss; and any factual or legal arguments that the claimant contends should affect the award. Claimants shall be entitled to submit any statements or reports in writing. The Special Master or his designee may require authentication of documents, including medical records and reports, and may request and consider information regarding the financial resources and expenses of the Victim's family or other material that the Special Master or his designee deems relevant.

In a hearing, the Special Master will determine whether:

- There was an error in determining the presumptive award, either because the claimant's individual criteria were misapplied or for another reason, **or**
- The claimant presents extraordinary circumstances not adequately addressed by the presumptive award.

7.6 Who can present information or evidence at the hearing?

The Personal Representative or the physically injured Victim, any witness the Personal Representative or the physically injured Victim wishes to have, and any interested party.

7.7 Will decisions be made on the spot at a hearing?

No decision will be rendered on the spot. The SM will retain control and review authority to assure equity.